<u>Agenda</u>

CITY OF BELLEVUE

EAST BELLEVUE COMMUNITY COUNCIL Regular Meeting

Lake Hills Community Clubhouse, 15230 Lake Hills Boulevard, Bellevue WA

Tuesday, December 2, 2003 6:30 PM			Page	
1.	Call to	Order		
2.	Roll Call, Flag Salute			
3.	Communications: Written and Oral			
4.	Approval of Agenda			
5.	Public	Hearings		1
	a.	City Council Ordinance No. 5475 amending the Bellevue Land Use Code to eliminate references to the Sammamish Community Council and adopt previously rejected ordinances within the service area of the forme Community Council.		4
	b.	City Council Ordinance No. 5476 amending the Bellevue Land Use Code to eliminate references to the East Bellevue Community Council and adopt previously rejected ordinances within the service area of the East Bellevue Community Council; amending Section 20.10.440, Residential Use Chart of the Bellevue Land Use Code.		168
	C.	City Council Ordinance No. 5477 amending the Bellevue Land Use Code to eliminate references to the East Bellevue Community Council and adopt previously rejected ordinances within the service area of the East Bellevue Community Council; amending Sections 20.20.450, 20.50.022, 20.50.024, 20.50.040, and 20.50.048 of the Bellevue Land		400
	d.	Use Code. <u>City Council Ordinance No. 5478</u> amending the Bellevue Land Use Code to eliminate references to the East Bellevue Community Council and adopt previously rejected ordinances within the service area of the East Bellevue Community Council; amending 20.20.527 of the Bellevue Land Use Code.	_192	180
	e.	City Council Ordinance No. 5479 amending the Bellevue Land Use Code to eliminate references to the East Bellevue Community Council and adopt previously rejected ordinances within the service area of the East Bellevue Community Council; amending Section 20.50.014 of the Bellevue Land Use Code.		196
	f.	City Council Ordinance No. 5480 amending the Bellevue Land Use Code to remove outdated references, correct cross references and correct errors in the Code; amending Sections 20.10.020, 20.10.440, 20.20.005, 20.20.010, 20.20.018, 20.20.130.B, 20.20.200.B, a portion of Part 20.20, 20.2520.F.1, 20.20.560.A, 20.20.650.A.2, 20.25A.020.A.1, 20.25A.025.B.5, 20.25A.030.C, 20.25A.030.E.1.b, 20.25A.090, 20.25A.100.E.7, 20.25B.040.A.2, 20.25F.040.C.3, 20.25F.040.C.4,		

^{*} Denotes that item is quasi judicial. Public testimony will be heard only during the public hearing portion of the meeting. The meeting room is wheelchair accessible. American sign language (ASL) interpretation available upon request. Call 452-6805 at least 48 hours in advance.



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Adjournment

20.25G.030, 20.25H.110.A.6, 20.30D.165.A, 20.40.490.E, 20.45A.040.A, 20.45A.170, 20.45A.240, 20.45B.030.A, 20.45B.180, 20.45B.230, 20.45B.260.C, 20.50.012, 20.50.036, 20.50.040, and 20.50.048 the Bellevue Land Use Code 214 City Council Ordinance No. 5481 amending the Bellevue Land Use g. Code to clarify and improve process provisions of the Code; amending Sections 20.25J.050.E, 20.30B.140, 20.30B.175, 20.30D.200, 20.30D.285, 20.30E.175, 20.30F.175, 20.30G.140, 20.30J.135, 20.30K.130, 20.30P.140, 20.30S.140, 20.35.015, 20.35.030.A, 20.35.045, 20.35.120, 20.35.135, 20.35.210, 20.35.235, 20.35.320, 20.35.335, 20.35.355.G, 20.35.420, and 20.45A.110 in the Bellevue Land Use Code; creating new sections 20.25A.120, 20.25A.125, and 20.35.415 in the Bellevue Land Use Code. 383 Resolutions a. Resolution No. 462 approving/disapproving City Council Ordinance No. 5475 451 b. Resolution No. 463 approving/disapproving City Council Ordinance No. 5476 455 c. Resolution No. 464 approving/disapproving City Council Ordinance No. 5477 459 d. Resolution No. 465 approving/disapproving City Council Ordinance No. 5478 463 e. Resolution No. 466 approving/disapproving City Council Ordinance No. 5479 _467 Resolution No. 467 approving/disapproving City Council Ordinance No. 5480 471 Resolution No. 468 approving/disapproving City Council Ordinance No. 5481 475 Reports of City Council, Boards and Commissions **Department Reports Committee Reports Unfinished Business New Business Continued Communications Executive Session Approval Summary Minutes**

November 5, 2003 East Bellevue Community Council Summary Minutes

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MEMORANDUM

DATE:

November 5, 2003

TO:

Chair Bell, Members of the East Bellevue Community Council

FROM:

Antoinette Pratt, Associate Planner

SUBJECT:

Land Use Code Amendments To Remove References to the Community

Councils, AD-03-114087

Please find enclosed Ordinance Nos. 5475, 5476, 5477, 5478, and 5479 that were recently approved by City Council. The following is an overview of the review process as it applies to these ordinances:

✓ A Planning Commission study session was held on June 18, 2003.

- ✓ A courtesy public hearing with the East Bellevue Community Council was held on July 1, 2003.
- ✓ A public hearing was held before the Planning Commission on July 16, 2003.
- ✓ Bellevue City Council approval on October 20, 2003, per Ordinance Nos. 5475, 5476, 5477, 5478, and 5479.
- ✓ Final public hearing with the East Bellevue Community Council on December 2, 2003.

Background of Ordinances

The Sammamish Community Council was originally created by voters within the Community Council area (roughly along the northeast shore of Lake Sammamish) when those voters approved annexation into the City of Bellevue. The Community Council is a creature of state law, and has authority over certain land use decisions within its boundaries. The Sammamish Community Council (SCC) retained its authority until November, 2001, when a majority of voters within its jurisdiction voted against continuing the Council.

Prior to its discontinuation, the SCC had the authority to review and either approve or disapprove ordinances amending the LUC. When the SCC voted to disapprove an ordinance, that disapproval meant that the ordinance was not effective within its jurisdiction. The disapproval was reflected in the LUC with a footnote after affected sections noting that the section was not effective within the SCC area. Generally, prior versions of the code would continue to apply within that area.

The East Bellevue Community Council (EBCC) was created in the same manner as, and has the same authority as described above for the SCC. The bodies rejected many of the same land use ordinances. Through this LUC amendment process, the City and EBCC worked to identify whether there were previously rejected ordinances that the EBCC would reconsider at this time as a result of changed circumstances. The following is an overview of the identified ordinances for approval or disapproval:

Ordinances for EBCC Consideration:

Ordinance No. <u>5475</u> amending the Bellevue Land Use Code to eliminate references to the Sammamish Community Council and adopt previously disapproved ordinances within the jurisdiction of the former Sammamish Community Council; amending Sections 20.10.020, 20.10.200, 20.10.390, 20.10.440, 20.20.010, 20.20.450, 20.20.527, 20.20.720, 20.20.850, 20.20.890, 20.25B.020, Part 20.25J, 20.50.014, 20.50.022, 20.50.024, 20.50.034, 20.50.040, 20.50.044, 20.50.048, 20.50.050, 20.50.054, 20.50.058 of the Bellevue Land Use Code; and establishing an effective date;

Ordinance No. <u>5476</u> amending the Bellevue Land Use Code to eliminate references to the East Bellevue Community Council and adopt a provision of a previously disapproved ordinance within the jurisdiction of the East Bellevue Community Council regarding multifamily development in Planning Districts A, B and E of the Crossroads Subarea; amending Section 20.10.440, FN 6 of the Residential Use Chart of the Bellevue Land Use Code; and establishing an effective date:

Ordinance No. <u>5477</u> amending the Bellevue Land Use Code to eliminate references to the East Bellevue Community Council and adopt provisions of a previously disapproved ordinance within the jurisdiction of the East Bellevue Community Council regarding the regulation of heliports; amending Sections 20.20.450, 20.50.022, 20.50.024, 20.50.040, and 20.50.048 of the Bellevue Land Use Code; and establishing an effective date;

Ordinance No. <u>5478</u> amending the Bellevue Land Use Code to eliminate references to the East Bellevue Community Council and adopt a provision of a previously disapproved ordinance within the jurisdiction of the East Bellevue Community Council regarding the regulation of manufactured housing; amending Section 20.20.527 of the Bellevue Land Use Code; and establishing an effective date; and

Ordinance No. <u>5479</u> amending the Bellevue Land Use Code to eliminate references to the East Bellevue Community Council and adopt a provision of a previously disapproved ordinance within the jurisdiction of the East Bellevue Community Council regarding the definition of "Community Facility;" amending Section 20.50.014 of the Bellevue Land Use Code; and establishing an effective date.

It should be mentioned that although the SCC no longer exists, each of the previously rejected LUC sections must be readopted now to become effective within the SCC area. That readoption will extend LUC regulations to the SCC that now apply in the majority of the City, and will remove the footnotes throughout the LUC referencing the SCC. Reconsideration and adoption of provisions by the EBCC will have that same impact within the EBCC area. Adoption of the proposed amendments will eliminate the disparity between regulations within the Community Council area and the rest of the City, and will extend the City's otherwise applicable regulations.

Discussion

Toni Pratt will present the identified ordinances for discussion before the EBCC in Mary Kate Berens absence.

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Attachments

Ordinances 5475, 5476, 5477, 5478, 5479



MEMORANDUM

DATE:

November 5, 2003

TO:

Chair Bell, Members of the East Bellevue Community Council

FROM:

Antoinette Pratt, Associate Planner, 452-5374

SUBJECT:

2003 Clean-up Land Use Code Amendment; File No. 03-114088 AD

Pursuant to Bellevue Land Use Code (LUC) Section 20.35.450, the East Bellevue Community Council will hold a public hearing on proposed changes to Land Use Code provisions designed to correct inadvertent errors and make other non-substantive corrections to the code. The changes are codified in Ordinance No. 5480, attached as Attachment A.

On October 20, 2003, the Bellevue City Council adopted Ordinance No. 5480 amending the Land Use Code (LUC). This LUCA were previously presented to the EBCC at a courtesy hearing in July, 2003. The ordinance was not changed substantially after the EBCC's courtesy hearing.

Ordinance No. 5480 is not effective within the East Bellevue Community Council area until the EBCC either approves the ordinance, or fails to act to disapprove the ordinance within 60 days following its enactment by the City Council.

BACKGROUND

Each of the suggested amendments is non-substantive in nature. Throughout the process of administering the Code, various errors have been discovered. The errors typically stem from changes in department names, cross-references that are no longer valid, and inadvertent errors in previous amendments.

AMENDMENTS

The amendments can be divided into three general categories. Under each category, the sections affected are listed. Some sections are listed in multiple categories, as amendments were adopted to resolve more than one inconsistency:

<u>Create consistent cross-references</u>. Throughout the LUC, cross references are created to guide the user to other sections that may impact a project or proposal. Several amendments are adopted to treat similar cross references consistently, or to add cross references where none previously existed.

Sections affected: 20.10.440, 20.20.005, 20.20.010, 20.20.130, 20.25A.030E, 20.25B.040, 20.45A.040, 20.45A.170, 20.45B.030, 20.45B.180, 20.50.012

<u>Correct out-dated department references.</u> Over time, names of City departments have changes. The LUC has not been consistently modified to reflect these new names. The amendments update these incorrect department names.

Sections affected: 20.20.520, 20.25A.020, 20.25F.040C, 20.25G.030, 20.25H.110, 20.40.490E, 20.45A.040, 20.45A.240, 20.45B.030, 20.45B.180, 20.45B.230, 20.45B.260, 20.50.040, 20.50.048

<u>Correct inadvertent errors in the code:</u> In several sections of the code, mistakes were made at the time of codification of a previous ordinance, because amendments were made to one part of the code and not another, or because mistakes were made in the original ordinance. These amendments are consistent with the way the LUC has been applied over time, despite the original mistakes.

Sections affected: 20.10.020, 20.20.010, 20.20.018, 20.20.560, 20.25A.025, 20.25A.030C, 20.25A.090, 20.25A.100, 20.30D.165, 20.50.036, Part 20.20, cross reference under "noise"

Attachments

Ordinance No. 5480



MEMORANDUM

DATE:

November 5, 2003

TO:

Chair Bell, Members of the East Bellevue Community Council

FROM:

Antoinette Pratt, Associate Planner, 452-5374

SUBJECT:

2003 Process Improvement Land Use Code Amendment;

File No. 03-114089 AD

Pursuant to Bellevue Land Use Code (LUC) Section 20.35.450, the East Bellevue Community Council will hold a public hearing on proposed changes to Land Use Code provisions streamlining and clarifying existing LUC review processes. The changes are codified in Ordinance No. 5481, attached as Attachment A.

On October 20, 2003, the Bellevue City Council adopted Ordinance No. 5481 amending the LUC. This LUCA were previously presented to the EBCC at a courtesy hearing in July, 2003. The ordinance was not changed substantially since the EBCC's courtesy hearing although slight modifications were made to the sections on large downtown projects to improve the clarity of those sections.

Ordinance No. 5481 is not effective within the East Bellevue Community Council area until the EBCC either approves the ordinance, or fails to act to disapprove the ordinance within 60 days following its enactment by the City Council.

Summary of Amendments:

The following identifies each of the adopted changes, explains the reason for the change and the impact of the change. The Ordinance is attached as Attachment A:

Make Land Use Exemption criterion consistently worded throughout the LUC. There are several types of approvals, which, once granted, may be modified by a subsequent proposal. These types of approvals include conditional use and administrative conditional use permits, design review approvals, and others. Generally, if the requested modification falls below a certain threshold, based on specified decision criteria, the modification is processed as a "Land Use Exemption" or "LUX". A LUX is a decision that does not require public notice, or provide an opportunity for appeal, and is intended for relatively minor modifications. The criteria for each of these existing permits are similar, but the wording occasionally varies slightly. Amendments ensure that the wording of the criteria is consistent throughout the code.

Sections affected: 20.25J.050.E (Master Plan modification)

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> 20.30B.175 (Conditional Use permit) 20.30D.285 (Planned Unit Development) 20.30E.175 (Administrative Conditional Use permit) 20.30F.175 (Design review approval)

<u>Administrative Amendment Decision Criteria Clarification:</u> As with LUXs, a number of previous permits are subject to modification through a Process II administrative amendment. Again, the criteria for these amendments across permit type are similar, but not always worded consistently. Amendments ensure that the wording of the criteria is consistent throughout the code.

Sections affected: 20.30B.175 (Conditional Use permit)

20.30D.285 (Planned Unit Development)

Other Permit Decision Criteria Clarification: Part 20.30 of the LUC contains specific guidelines for approval of particular permits. Within each subsection of Part 20.30, the LUC sets forth the specific decision criteria that apply to the permit at issue. Often, these criteria are similar across permit type, but the wording is not always consistent. Amendments are proposed to ensure that the criteria are consistently worded throughout the code.

Sections affected: 20.30B.140 (Conditional Use permit)

20.30G.140 (Variance)

20.30J.135 (LUC Text amendment)

20.30P.140 (Protected Area Development Exception)

20.30S.140 (Vendor Cart Permit)

<u>Clarify notice requirements for all Process II applications.</u> The LUC lists the kinds of decisions that are considered Process II decisions, and describes the methods of notice that must be applied for the various Process II decisions. There are some decisions that are Process II decisions that are not listed in the LUC, and the means of providing notice are not specified. Amendments list all Process II applications, and specify the means of notice for all identified decisions. In addition, an amendment provides a fallback notice requirement for those Process II decisions that aren't otherwise listed.

Sections affected: 20.35.015

20.35.210

<u>requirements:</u> The City currently undertakes mailed notice for many projects via the "Weekly Permit Bulletin" (also known as the Blue Bulletin). The LUC references this bulletin when it requires mailed notice to any person that signs up for an annual subscription to receive all land use notices by the City. Given new technology, the City has begun making these subscriptions available as an e-mail service, in addition to continuing to mail hard copies out to any subscriber. An amendment allows for mailing to this subscription list solely by e-mail, where the recipient has so elected, eliminating the need to also mail a hard copy to the subscriber. Another amendment codifies the current practice of mailing the notice each week to every member of a

Community Council, as opposed to only mailing such notice when projects are within the Community Council area. The amendment also allows members of the Community Council to receive the notice by electronic mail. Another notice-related amendment adds cross references to special notice requirements applicable to plats and short plats. The final notice-related amendment adds a requirement to provide notice of application for Process IV (legislative) decisions. Currently, a notice of application is not required, but is typically provided because most such actions are subject to environmental review under the State Environmental Policy Act (SEPA), which itself requires notice of application.

Sections affected: 20.35.120 20.35.135 20.35.210 20.35.235 20.35.320 20.35.335 20.35.415

> 20.35.420 20.45A.110

Miscellaneous:

Section 20.30D.200 -- an amendment specifically requires approved PUDs to be recorded, much like plats are recorded. An approved PUD may impose different setbacks, vegetation retention or other requirements on future property owners, and recording the approved PUD is a method to ensure future property owners receive notice of conditions and restrictions related to their property.

Section 20.30K.130 -- an amendment clarifies the appeal process for a code interpretation that is part of another permit process. The amendment codifies our current practice.

Section 20.35.030 -- Part 20.30I and 20.30J relating to Comprehensive Plan and Land Use Code amendments allow several bodies to initiate amendments to the texts of these documents. The list at 20.35.030 is amended to reflect that authority.

Section 20.35.045 -- an amendment clarifies the purpose of the section, and clarifies the impact of Community Council jurisdiction on the finality of a land use decision.

Section 20.35.355 -- an amendment clarifies how the two listed time periods relate to the finality of a decision subject to Community Council jurisdiction. At your meeting in July, the EBCC suggested a slight wording change to this section. The Planning Commission chose to retain the original wording, unchanged.

New Sections 20.25A.120 and 125 -- an amendment adds flexibility for vesting the land use approval for larger, complex development projects in the Downtown. Currently, a project's land use approval is vested for two years after the approval is received (although that time period

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can be tied to active building permits for a longer period). Vesting allows a land use approval to remain valid even if the Land Use Code changes after the approval is granted but before the project is actually built. The two year period currently allowed in the code is considered too short of a time frame for some of the larger, more complex projects, or for large sites where multiple buildings are envisioned to operate together, but are not capable of being built at the same time. The amendment deals with vesting under the LUC only, and does not affect the different vesting provisions that apply under other codes, including the Building Code and transportation codes.

Attachments

Ordinance No. 5481